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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

HOSSEIN SHOKATI,

Petitioner,

v.

MICHAEL B. MUKASEY, Attorney  
General,

Respondent.

No. 04-76409

Agency No. A45-157-048

MEMORANDUM<sup>\*</sup>

On Petition for Review of an Order of the  
Board of Immigration Appeals

Submitted July 1, 2008<sup>\*\*</sup>

Before: WALLACE, HAWKINS, and THOMAS, Circuit Judges.

Hossein Shokati, a native and citizen of Iran, petitions for review of the Board of Immigration Appeals' order summarily affirming an immigration judge's ("IJ") removal order. We have jurisdiction pursuant to 8 U.S.C. § 1252. We

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<sup>\*</sup> This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

<sup>\*\*</sup> The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

review “whether substantial evidence supports a finding by clear, unequivocal, and convincing evidence that [Shokati] abandoned his lawful permanent residence in the United States.” *Khodagholian v. Ashcroft*, 335 F.3d 1003, 1006 (9th Cir. 2003). We deny the petition for review.

Substantial evidence supports the IJ’s determination that the government met its burden of showing Shokati abandoned his lawful permanent resident status, because the record does not compel the conclusion that he consistently intended to return to the United States promptly. *See Singh v. Reno*, 113 F.3d 1512, 1514 (9th Cir. 1997) (holding that “[t]he relevant intent is not the intent to return ultimately, but the intent to return to the United States within a relatively short period” and adding that an alien “may extend his trip beyond that relatively short period only if he intends to return to the United States as soon as possible thereafter”); *see also Chavez-Ramirez v. INS*, 792 F.2d 932, 937 (9th Cir. 1986) (alien’s trip abroad is temporary only if he has a “continuous, uninterrupted intention to return to the United States during the entirety of his visit”).

**PETITION FOR REVIEW DENIED.**